Single Bench

P.R. No. 6523/06
Presented by Shri Deepak Jain
dated 20/11/06

(4)

CF/00/

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [S] NO. /2006

PETITIONER :- Smt. Malta Rangari wife of Shri Radheshyam Rangari, aged about 42 years, Assistant Teacher, Primary School, Shukwapara, Block- Bodla, District Kabirdham [C.G.].

VERSUS

RESPONDENTS :- 1] State of Chhattisgarh, Through - The Secretary, Department of School Education, D.K.S. Bhavan, Raipur, District Raipur [C.G.].

2] District Education Officer, Kabirdham [C.G.]

3] Block Education Officer, Kawardha, District Kabirdham [C.G.]

OATH COMMISSIONER APARNA MALVIYA CG/673/06 20/11/06 Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/~~227~~ 82 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC TO DO JUSTICE IN THE MATTER.

COPY 20/11/06 G. BILASPUR

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 6720 of 2006

Petitioner : Smt. Malta Rangari

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Mr. Deepak Jain, Advocate for the Petitioner.

Ms. Sunita Jain, Panel lawyer for the State/respondents.

ORDER

(Passed on this 23rd day of February, 2007)

1. The petitioner is working as Assistant Teacher in Primary School, Shukwapara, Block-Bodla, District Kabirdham. In the course of his service as Assistant Teacher, the petitioner has obtained D.Ed. Examination Certificate in the year 1999, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained D.Ed. Examination Certificate on his own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (2006 (II) MPJR-CG 96). This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation,

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Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** vs. ***The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** vs. ***The State Govt. of Chhattisgarh and another***) (Supra).

5. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case is squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

6. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal**

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Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioner has acquired D. Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu